

ORDINANCE NO.

1 AN ORDINANCE AMENDING CHAPTER 25-2, SUBCHAPTER E, SECTION
2 4.3. OF THE CITY CODE RELATING TO VERTICAL MIXED USE BUILDINGS
3 AND THE OPT-IN / OPT-OUT PROVISIONS; AND PROVIDING FOR
4 EMERGENCY PASSAGE.
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6 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:
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8 **PART 1.** Chapter 25-2, Subchapter E, Section 4.3. (*Vertical Mixed Use Buildings*) of the
9 City Code is amended to amend Subsections 4.3.5.B.2. and 4.3.5.B.4. to read:

- 10 2. **Application.** Each neighborhood planning team or neighborhood
11 association shall review the VMU standards in Section 4.3.3. The
12 planning team or applicable neighborhood association may, no later than
13 90 days after receiving written notice from the Director of this
14 Subchapter's adoption, submit an opt-in/optout application to the City
15 Manager concerning any of the items listed in subsection C. below. The
16 planning team or neighborhood association may amend a timely filed
17 application not later than August 9, 2007.
- 18 4. **City Council Decision.** After considering the Planning Commission's
19 recommendations, the Council may[;] by ordinance [~~within 45 days of~~
20 ~~the 90-day deadline,~~] approve, approve with conditions, or deny each
21 opt-in/optout request.

22 **PART 2.** The council finds that providing an opportunity for amendment of the opt-
23 in/opt-out applications will improve the ability of the neighborhoods to adequately plan
24 for development in the effected areas and that this constitutes an emergency. Because of
25 this emergency, this ordinance takes effect immediately on its passage for the immediate
26 preservation of the public peace, health and safety.

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PASSED AND APPROVED

_____, 2007

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Will Wynn
Mayor

APPROVED: _____
David Allan Smith
City Attorney

ATTEST: _____
Shirley A. Gentry
City Clerk

Draft